CITY OF HAMPTON

COMMERCIAL COMMUNICATION TOWERS
REVIEW PROCESS

Sources: Zoning Ordinance: Chapter 20-5.1 (4); 2010 Comprehensive Plan: pages 14A-B; Procedures for Master Plan Communication Tower Sites

Inquiries:

Determine the height and location of the proposed tower/antenna. Review the Zoning Ordinance and the 2010 Comprehensive Plan to determine if a Use Permit is required or if the proposal meets the Master Plan criteria. Follow whichever procedure is applicable. Although the processes are different, essentially the same information is required of the applicant for either process.

Co-location*:* if a provider wishes to co-locate an antenna on an existing tower/structure for which there is an approved Use Permit or which has received approval through the Master Plan process, only site plan approval is required. Refer the provider to Kathy Clark in Public Works/Engineering to discuss the specific site plan requirements.

There are existing towers that pre-date the Zoning Ordinance requirement for an approved Use Permit. Co-location for antennae on these towers requires a Use Permit. Location of antennae on structures other than towers (church steeples, building roofs, etc.) also requires a Use Permit.

PROCEDURES FOR MASTER PLAN COMMUNICATION TOWER SITES

Source: 2010 Comprehensive Plan (pp.14A-B); Zoning Ordinance (Sec.20-5.4, pp.11-15)

If co-location on an existing tower or structure is not feasible, the next preferred locations are the Master Plan sites. For those Master Plan sites that are owned by the Hampton School Board, this is the procedure:

Applicant contacts Jim McAnally, Facilities Manager for the HSB. Once a suitable site is agreed upon, the HSB authorizes the applicant to proceed. A copy of the HSB agenda listing the authorization must be included with the applicant's submittal to the Planning Department.

The applicant submits to the Planning Department a package containing the information required in the Zoning Ordinance (Sec.20-5.4 a-h).

The applicant schedules a community meeting (the Planning Department can assist by identifying the affected property owners and by providing mailing labels), typically at the site, to describe the proposal. Planning Staff attends to provide technical information on the process and to consider comments that may be used in drafting conditions.

The Planning Department prepares a package for Planning Commission review consisting of an Agenda Review Form, a memorandum describing the application, the site plan, and color location maps. The memorandum should contain an evaluation of the proposal, a recommendation, and any conditions to be attached in support of the application.

The Planning Commission reviews the proposal (this is not a public hearing item and need not be advertised nor need notices be sent to adjacent property owners, although the latter is at the staff's discretion). The Planning Commission's action is in the form of a resolution to the HSB.

Following Planning Commission action, the Planning Department forwards the package, including the Planning Commission resolution and a cover memorandum, to the HSB (addressed to the Superintendent, with a copy to Jim McAnally) and requests that the item be scheduled for public hearing.

The HSB conducts two public hearings (they meet the first and third Wednesdays of each month. The HSB does not send notices of the public hearing to adjacent property owners. Planning Staff attends the public hearings.

If the HSB approves the application, a lease agreement is executed between the applicant and the HSB. If the application is denied, there is no appeal.

Approved sites should be noted on the Communication Tower map [currently under construction].

CITY OF HAMPTON
ZONING ORDINANCE
COMMERCIAL COMMUNICATION TOWERS
CHAPTER 20-5.1 (4)

(4) Commercial communication towers are permitted in the R-R, R-33, R-22, R-15, R-13, R-11, R-9, R-8, R-M, MD-T, MD-2, MD-3, MD-4, R-T, C-1, C-2, C-3, M-1, M-2, M-3, SPI-PL, SPI-HRC, and SPI-OH Districts subject to securing a Use Permit which shall first be reviewed by the Planning Commission with their recommendation forwarded to City Council prior to any final action by City Council. Such Use Permit shall include the following submittals with applications and at a minimum, satisfy the following conditions:

(a) Conditional User Permit applications for communication towers shall include the following:

(i) A site plan drawn to scale specifying the location of tower(s), guy anchors (if any), transmission building(s) and other accessory uses, parking, access, landscaped areas (specifying size, spacing, and plant material proposed), fences, and identify adjacent property owners.

(ii) A report from a registered structural or civil engineer indicating tower height and design, structure, installation and total anticipated capacity of the structure (including number and types of antennas which could be accommodated). This data shall demonstrate that the proposed tower conforms to all structural requirements of the Uniform Statewide Building Code and shall set out whether the tower will meet the structural requirements of EIA-222 E “Structural Standards of Steel Antenna Towers and Antenna Supporting

Structures" published by the Electronic Industries Association effective June 1, 1987 or current update.

(iii) A statement from a registered engineer that the NIER (nonionizing electromagnetic radiation) emitted therefrom does not result in a ground level exposure at any point outside such facility which exceeds the lowest applicable exposure standards established by any regulatory agency of the U.S. government or the American National Standards Institute.

(iv) Evidence of the lack of space on suitable existing towers, buildings, or other structures to locate the proposed antenna and the lack of space on existing tower sites to construct a tower for the proposed antenna within the service area shall be considered in the review of conditional use permit applications for a new tower.

(b) The following locational criteria shall be considered in determining the appropriateness of sites for communication towers:

(i) Whether the application represents a request for multiple use of a tower or site, or use on a site contiguous to an existing tower site.

(ii) Whether the application contains a report that other potential users of the site and tower have been contacted, and they have no current plans, to the best of their ability to determine, that could be fulfilled by joint use.

(iii) Whether the application shows how the tower or site will be designed or laid out to accommodate future multiple users. Specific design features evaluated shall include, but not be limited to height, wind loading, and coaxial cable capacity.

(iv) Whether the proposed tower is to be located in an area where it would be unobtrusive and would not substantially detract from aesthetic or neighborhood character, due either to location, to the nature of surrounding uses, (such as industrial uses) or to lack of visibility caused by natural growth or other factors.

(c) Accessory facilities may not include offices, vehicle storage, or outdoor storage unless permitted by underlying zoning.

(d) Advertising and/or signage on tower structures are prohibited.

(e) The minimum setback requirements from the base of the tower to any property line abutting a right-of-way of any planned or existing street, and all residential uses shall be at least fifty (50) feet unless a greater setback is specified due to site specific characteristics. For property lines abutting nonresidential uses, the minimum setback requirements shall be at least twenty-five (25) feet unless a greater setback is specified due to site specific characteristics. The minimum setback for guy towers shall be equal to forty (40) percent of tower height.

(f) Minimum site size shall be no less than two thousand (2,000) square feet.

(g) Towers two hundred (200) feet in height or less shall have a galvanized finish or be painted silver. Regulations of the Federal Aviation Commission or Federal Communications Commission supersede this requirement if contradictory.

(h) Towers shall be illuminated as required by the Federal Aviation Administration. However, if not required by the Federal Aviation Commission, no lighting shall be incorporated.

(i) Landscaping shall be required as follows:

(i) For towers two hundred (200) feet or less in height, at least one (1) row of evergreen shrubs capable of forming a continuous hedge at least five (5) feet in height shall be provided with individual plantings spaced not more than five (5) feet apart and at least one (1) row of evergreen trees with a minimum caliper of one and three-fourths (1 ¾) inches at the time of planting and spaced not more than twenty-five (25) feet apartment shall be provided within fifteen (15) feet of the perimeter of the setback area.

(ii) For towers more than two hundred (200) feet in height, in addition to the requirements for landscaping above, one (1) row of deciduous trees, with a minimum caliper of two and one-half (2 ½) inches at time of planting and spaced no more than forty (40) feet apart shall be provided within twenty-five (25) feet of the perimeter of the setback area required by item (i) above.

(iii) In lieu of the above requirements, in special cases including cases where a required tree would be closer to the tower or to a guy wire supporting the tower than the height of the tree at maturity, the applicant may prepare a detailed plan and specifications for landscape and screening, including plantings, fences, walls, topography, etc., to screen the base of the tower and accessory uses. The plan shall accomplish the same degree of screening achieved in items (i) and (ii) above.

(iv) All required landscaping must be installed and approved in accordance with Chapter 9_, Article IV of the City Code, the Site Plan Ordinance.

(j) Commercial communication towers up to one hundred fifty feet (150') in height sited on properties included in the inventory of appropriate sites for communication towers recommended in the Master Plan which is adopted by reference as a component of the 2010 Comprehensive Plan are exempt from the Use Permit requirement provided all the above listed provisions are satisfied and proposals to site said improvements are first reviewed by the Planning Commission, with their recommendation forwarded to the appropriate board or commission for further consideration. Failure on the part of the Planning Commission to act on such proposals within ninety (90) days of submission shall be deemed approved, unless the applicant agrees to an extension of time. (9/9/98)

(k) Additional conditions may be included contingent upon site specific characteristics. (7/10/96)

Communication Towers

The frequency of new freestanding communication structures has increased dramatically due in part to the entrance of personal communication systems combined, to a lesser extent, with cellular communication providers. The technical needs of this user group demands, at present, the elevation of antennae, microwave dishes, etc. Typically, tower structures are used to elevate antennae to desired heights to transmit and receive signals. Our scarce inventory of raw, undeveloped acreage, as well as concerns about the visual impact of tower structures on adjacent properties, necessitates the provision of guidelines which encourage siting these facilities in a manner which will minimize their adverse visual impacts.

The use of existing tower sites is encouraged and desired over the development of new towers. To the extent practical, it is feasible to site communication equipment on an existing tower within the desired search area, these opportunities should be pursued. Secondly, the roofs of tall buildings should be considered as alternatives to erecting new towers. Implemented together, these actions should reduce the number of freestanding towers constructed. Opportunities to site antennae on existing towers as well as roof tops should be pursued prior to requesting a new freestanding tower. Either of these options will allow providers to erect their antennae without the need for additional public hearings.

New facilities are deemed appropriate only when it can be demonstrated that alternative sites and existing facilities have been explored and cannot accommodate the proposed new equipment. Only after all other options have been exhausted should providers pursue the construction of new freestanding structures. In the event that all alternative options have been pursued and exhausted, a request to site a new freestanding tower will be considered as the last remaining option. Providers should first pursue tower sites found on the Master Plan which will eliminate the need for additional public hearings. Requests for new freestanding towers on sites not included on the Master Plan will require a Use Permit. When siting a freestanding tower, the below listed policies should site selection.

The key issue with siting these structures is to reduce visual impacts either by placing towers where they are generally perceived as more compatible and less intrusive, or in remote areas where they impact as few existing uses as possible. Limited visual impacts to adjacent properties is also readily accomplished by selecting sites of sufficient size with existing mature vegetation to screen on site improvements. Generally, industrially zoned areas are considered appropriate for freestanding communication towers. When located in these areas, the visual obtrusiveness of the structure is not as obvious. The recommendation to site tower structures in our manufacturing and industrial areas recognizes that the proximity of these structures to adjacent non-industrial/manufacturing and industrial properties may act as deterrents to future development activities because of their blighting influence.

Sites located along planned or existing visual corridors should not be considered for freestanding communication towers. This policy recognizes the strategic importance of these areas in advancing economic development objectives related to retaining and attracting new visitors, residents and business. The appearance of a community's built environment tremendously influences objectives in these areas.

New freestanding towers, both size and tower structure, should accommodate the maximum number of potential users feasible. Requests which represent multiple users at the onset, should be considered more favorably. This policy recognizes the objective to limit the frequency of freestanding tower sites which accommodate a limited number of users. Implementation of this policy will act to encourage co-location and cooperative ventures between respective communication entities.

The evaluation of requests to site new freestanding communication towers recognizes that site specific conditions may warrant favorable consideration of selected properties, although they may not satisfy all of the above listed guidelines. In these instances, sites should satisfy a majority of the above cited policies and advance objectives related to maximizing potential users with the least number of new freestanding towers feasible throughout the community.

It is noted that in certain circumstances, both the Federal Communications Commission (FCC) and the Federal Aviation Administration (FAA) have the ultimate authority over these matters. However, at present, neither agency pre-empts local legislation regarding the siting of these uses.

Master Plan

An inventory of public sites appropriate for siting antennae is provided. Sites included in this inventory satisfy the above listed guidelines and include a number of properties owned by the Hampton School Board. The construction of new freestanding towers on these sites will not require additional public hearings and should be pursued by providers. Following is a list of these sites and an evaluation of their consistency with the guidelines included in the processing discussion.

School Sites

Name	**Address**
A.W.E. Bassette Elementary	671 Bell Street
Aberdeen Elementary	1424 Aberdeen Road
Albert Forrest Elementary	1406 Todds Lane
Barron Elementary	45 Fox Hill Road
Beachside Alternative	710 Buckroe Ave.
Benjamin Syms Middle	170 Fox Hill Road
Bethel High	1067 Big Bethel Road
Booker Elementary	160 Apollo Drive
C. Alton Lindsay Middle	1636 Briarfield Road
C. Vernon Spratley Middle	339 Woodland Road
Caesar Tarrant Elementary	1589 Wingfield Drive
Captain John Smith Elem.	379 Woodland Road
Christopher Craft Elementary	600 Concord Drive
Frances Mallory Elementary	331 Big Bethel Road
Hampton High	1491 W. Queen Street
Hampton School Admin. Bldg.	1819 Nickerson Blvd.
Jane Bryan Elementary	1021 Mallory Street
Jefferson Davis Middle	1435 Todd Lane
John B. Cary Elementary	2009 Andrews Blvd.
John Tyler Elementary	57 Salina Street
Kecoughtan High	522 Woodland Road
Luther Machen Elementary	20 Sacramento Drive
Merrimack Elementary	2113 Woodmansee Dr.
Paul Burbank Elementary	40 Tidemill Lane
Phillips Elementary	703 Lemaster Drive
Phoebus High	100 Ireland Street
Robert E. Lee Elementary	1646 Briarfield Road
Samuel P. Langley Elementary	16 Rockwell Road
Thomas Eaton Fundamental Middle	2108 Cunningham Dr.
Tucker-Capps Elementary	113 Wellington Drive
William M. Cooper Elem.	200 Marcella Road

The above listed school sites are of sufficient acreage to support communication improvement and screen them in such a manner that they will not impede school related activities and will not pose adverse negative impacts to adjacent areas, typically residential in character. By virtue of siting these improvements on identified public sites, we guarantee a minimum of two users: a private provider and the Hampton City Public Schools for Smart School activities. These sites are located off visual corridors and improvements can be located either in rear yard areas, affixed to the side or rear of existing buildings, or on building roofs. Technological advances in the communication industry also permit the retrofitting of existing improvements like light fixtures to serve dual functions. Pursuing options other than constructing a stand along tower on site is preferable because it provides assurance that the visual impact of the use is limited to adjoining residential properties.

Building Mounted Antenna Sites

City Hall Building	Lincoln Street
Public Safety Building	Lincoln Street
Raddison Garage	Settlers Landing Road
Settlers Landing Garage	Settlers Landing Road
JDR Building	Queensway Mall

Once adopted by City Council, sites included in the Master Plan are exempt from further public hearing requirements to site communication improvements so long as all performance standards are satisfied. (7/10/96).